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C.R.P.No.4128 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4128 of 2022
and
C.M.P.No.21486 of 2022

Mr.Mohamed Rizwan

... Petitioner

Vs.

Mrs.Johnsi Philip

... Respondent

Prayer: Civil Revision Petition filed under Article 115 of the Constitution of India praying to call for the records and set-aside the order dated 12.10.2022 passed in E.P.No.2 of 2019 in Arbitration No.RTC/JP/101/2018 by the Hon'ble Principal District Munsif at Alandur.

For Petitioner

: Mrs.H. Yasmeen Ali

For Respondent

: Mr.R.Vasudevan
For Mr.A.Saravanan

Mr.V.Vinoth Raja
Government Advocate
(Criminal Side)



ORDER

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The Civil Revision Petition is filed, challenging the order dated 12.10.2022 passed in E.P.No.2 of 2019 in Arbitration No.RTC/JP/101/2018 by the Hon'ble Principal District Munsif at Alandur.

2. The Revision Petitioner is the respondent in the E.P Proceedings and judgment Debtor. The respondent is the Decree Holder, who instituted Execution Proceedings in E.P.No.2 of 2019, based on the Arbitration Award passed before the Sole Arbitrator in Arbitration Case No.RTC/JP/101/2018. It is not in dispute that the Award was passed after adjudication.

3. The learned counsel for the Revision Petitioner states that there is a dispute exists between the landlord and the respondent herein is not the owner of the subject premises and therefore, the revision petitioner/tenant was not in a position to pay the monthly rent properly. It is further contended that the revision petitioner is doing business in the subject premises, which is his livelihood and thus, only after resolving the ownership dispute between the respondent and the other person, the revision petitioner would be in a position to settle the rent. Thus, the revision



petitioner cannot be blamed for non-payment of monthly rent to the respondent.

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4. The learned counsel for the respondent/landlord objected the said contention by stating that the merits as raised by the revision petitioner had already been adjudicated and an order was passed in E.P. Proceedings and such contentions are not entertainable.

5. It is further contended that the E.P Court passed an order to deliver vacant possession by 22.11.2022. The respondent has taken several steps to execute the order. However, J8, Neelankarai Police Station, Chennai, is colluding with the revision petitioner since the revision petitioner is running a Car Shed, wherein, he is assisting the said Police Station for repairing their vehicles.

6. Since an allegation against the J8, Neelankarai Police Station is raised, this Court directed the Office of the Public Prosecutor to be present and Mr.V.Vinoth Raja, learned Government Advocate (Criminal Side) is present before this Court. The copy of the proceedings are served on the learned Government Advocate (Criminal Side).



7. In view of the allegation against the Police Station concerned, this Court is of an opinion that the revision petitioner deserves no leniency from the hands of this Court. It was established that the revision petitioner was a tenant. Throughout the Arbitration proceedings, the respondent adjudicated the issues as landlord. The tenant-landlord relationship was only between the petitioner and the respondent and no way connected with any other third party. While so, the judgment of the Arbitrator is binding on the revision petitioner and the respondent and so also the Execution Proceedings, which was initiated subsequently by the decree holder.

8. It is brought to the notice of this Court that during the eviction proceedings, the revision petitioner herein filed a Civil Suit in O.S.No.229 of 2018 on the file of the Munsif Court, Alandur, which was also dismissed by the Munsif Court.

9. Thus, the Revision Petitioner is liable to be evicted as per the order passed in E.P.No.2 of 2019 dated 12th October 2022.

10. In view of the allegation against J8, Neelankarai Police Station, Chennai is concerned, without going into the allegation, this Court direct



the learned Government Advocate (Criminal Side) to ensure effective assistance from J8, Neelankarai Police Station, Chennai and accordingly, evict the revision petitioner from the subject premises and handover the vacant possession to the respondent/landlord within a period of 48 hours from the date of receipt of a copy of this order.

11. Accordingly, this Court do not find any infirmity in respect of the order impugned in the present Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2022

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Index : Yes

Speaking order

Note: (1) Registry is directed to issue order copy on 14.12.2022.

(2) Registry is directed to communicate the copy of this order to the Inspector, J8 Neelankarai Police Station, 221, SH 49, Saraswathi Nagar, Neelankarai, Chennai – 600 115.

To

1. The Judge,
The Principal District Munsif Court, Alandur.



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2.The Inspector,
J8 Neelangarai Police Station,
221, SH 49, Saraswathi Nagar,
Neelankarai, Chennai – 600 115.

3.The Public Prosecutor,
High Court of Madras.



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S.M.SUBRAMANIAM, J.

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